

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DEAN C. BOYD

PETITIONER

V.

CIVIL ACTION NO. 3:20-CV-443-DPJ-FKB

RONALD KING;
DR. WILLIAM BRAZIER; and
JOAN SHIVERS

RESPONDENT

ORDER

Mississippi inmate Dean Boyd brought this suit, pro se, under 42 U.S.C. § 1983. In it, Boyd claims that he sustained injuries after inhaling carbon monoxide that was released when prisoners power washed the showers at Central Mississippi Correction Facility. Two of the three Defendants (Ronald King and Joan Shivers) now seek summary judgment because Boyd never exhausted his administrative remedies as to the claims against them. *See* Defs.’ Mot. [26]. That motion will be granted for the reasons stated in United States Magistrate Judge F. Keith Ball’s Report and Recommendation. *See* R&R [52].

Though the Court adopts the R&R as its opinion, it will briefly address Boyd’s Objections. Boyd says he exhausted administrative remedies by submitting a grievance that he “pursued to conclusion.” Objections [54] at 3. True enough, Boyd did initiate and complete the grievance process regarding his claims for denied medical care. R&R [52] at 4–5; *see also* Grievance [26-1] at 8 (seeking “an order . . . demanding that Boyd receive immediate medical assistance”). But Boyd’s grievance failed to adequately address the claims he asserts against King and Shivers for the initial decision to power wash the showers. *See id.* at 5. Indeed, the grievance never mentioned those claims.

As such, prison officials lacked “‘fair notice’ of the problem” that formed the basis of Boyd’s suit against King and Shivers. *Johnson v. Johnson*, 385 F.3d 503, 516 (5th Cir. 2004)

(internal quotation marks removed); *see also Thomas v. Joslin*, 524 F. App'x 107, 110 (5th Cir. 2013) (holding that grievance concerning lack of medical attention did not fairly notify officials of claims regarding alleged deliberate indifference and unsafe working conditions). The Court adopts the R&R in its entirety and grants King and Shivers's Motion for Summary Judgment [26].

SO ORDERED AND ADJUDGED this the 25th day of August, 2021.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE